

IFW



Docket No.: 0445-0354PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Manabu MATSUI et al.

Application No.: 10/540,474

Confirmation No.: 2979

Filed: June 23, 2005

Art Unit: N/A

For: HEAT FUSIBLE CONJUGATE FIBER

Examiner: Not Yet Assigned

**LETTER RE ISSUANCE OF OFFICE ACTION IN CORRESPONDING EUROPEAN
PATENT APPLICATION**

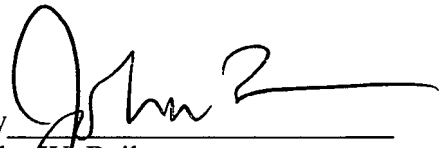
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith a copy a European Office Action issued April 26, 2007, in the corresponding European patent application. The Action makes of record JP-09-273060, JP-1-40618-A, JP-54-38214-B, JP-62-184173-A, JP-2003-119625-A and US 4,269-888-A which were previously made of record in Information Disclosure Statements filed on June 23, 2005 and July 31, 2006.

Dated:  JUL 25 2007

Respectfully submitted,

By 
John W. Bailey
Registration No.: 32,881
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant



EPA/EPO/DEB
D-80298 München
+49 89 2399-0
TX 523 656 epmu d
FAX +49 89 2399-4465

Europäisches
Patentamt

European
Patent Office

Office européen
des brevets

Generaldirektion 2

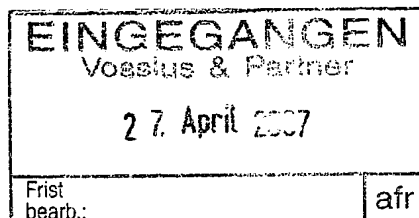
Directorate General 2

Direction Générale 2

Vossius & Partner
Siebertstrasse 4
81675 München
ALLEMAGNE

R

RV 90 791 430 8DE 110



Telephone numbers:

Primary Examiner (substantive examination) +49 89 2399-8526

Formalities Officer / Assistant (Formalities and other matters) +49 89 2399-8092



Application No. 03 780 942.3 - 2109	Ref. L1931 EP	Date 26.04.2007
Applicant KAO CORPORATION		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Barker, Stephan
Primary Examiner
for the Examining Division

Enclosure(s): 2 page/s reasons (Form 2906)



The examination is being carried out on the **following application documents**:

Description, Pages

1-19 filed with entry into the regional phase before the EPO

Claims, Numbers

1-9 filed with entry into the regional phase before the EPO

Drawings, Sheets

1/2- 2/2 filed with entry into the regional phase before the EPO

- 1). It is noted that the Supplementary European Search Report (SESR) cites:
D1: PATENT ABSTRACTS OF JAPAN vol. 1998, no. 02, 30 January 1998
(1998-01-30) & JP 09 273060 A (OJI PAPER CO LTD), 21 October 1997
(1997-10-21);
and that the International Search Report (ISR) cites:
D2: JP-A-1 040 618 10 February 1989
D3: US-A-4 269 888 26 May 1981
D4: JP 54 038 214 B2 20 November 1979
D5: JP 62 184 173 A 12 August 1987
D6: JP 2003 119625 A 23 April 2003.
- 2). The comments on lack of unity of invention, as set out in the ISR, have been considered and are upheld. Consequently, objection under Art.82 EPC and Rule 30 of the Implementing Regulations is now made for the same reasons as set out in the ISR, essentially being that the conjugate fibre of claim 1 is defined in terms of parameters different to those of the conjugate fibres comprised in the nonwoven fabric defined in claim 7. The applicant is requested to provide a remedy in the form of suitable amendments (see present claim 9) or excision. Excised matter may form the basis for a divisional application under Art.76 EPC, and reference is made to that article as well as Rule 25 of the Implementing Regulations. It is further noted that failure to meet the objection could lead to refusal under Art.97(1) EPC.



- 3). Both D1 and D2 have been cited in their respective reports as category "X" documents, indicating that they are believed to be of particular relevance with regard to novelty and/or inventive step. Both D1 and D2 are concern published unexamined Japanese patent applications, which the examiner is unable to read in the full text versions. The applicant is invited to comment on these documents with regard to the requirements under Art.52(1) EPC for novelty and inventive step, and is asked, please, to indicate whether either document discloses, or provides any discussion of, any of the following features: orientation index (c.f. claim 1), specific volume, strength per basis weight or bulk softness per unit thickness (see claim 7). It is intended that discussion of such features would obviate the need for full translation into an official EPO language of D1 and D2. (Arts.52(1), 54 and 56 EPC)
- 4). a) The document D6 has been cited as a P,X document. Consequently, the applicant is requested to either provide comment and discussion along the lines of that proposed at point 3 above for D1 and D2.
b) In order for the examining division to complete its checks for possible conflicting applications, the applicant is now requested to file a translation of the present priority document, Japanese patent application 2002371283 (Rule 38(5) of the Implementing Regulations).
- 5). The applicant is respectfully reminded that all amendments are required to meet the provisions of Art.123(2) EPC. Should adaptation of the description to comply with Art.84 EPC or Rule 27(1)(b) become necessary, this may await settlement on the scope of the claims.